

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Office of Personnel**

District Personnel Manual Issuance System

This Instruction should be filed behind
the divider for Part III of DPM
Chapter(s) 16

DPM Instruction No. 16-7

SUBJECT: Guidelines for Delegation of Authority and Administrative
Review of Removals—General Discipline

Date: August 9, 2000

NOTE: This instruction supersedes DPM Instruction No. 16-6, dated May 31, 2000.

1. Purpose

The purpose of this instruction is to provide guidelines for the delegation of authority to take disciplinary actions and place employees on enforced leave, as well as guidelines for the administrative review of proposed removal actions and summary removals.

2. Authority

This instruction is issued in accordance with Mayor's Order 2000-83, dated May 30, 2000, and § 1612 of the D.C. personnel regulations.

3. Guidelines for Delegations of Authority to Take Disciplinary Action and Place Employees on Enforced Leave

The recommended delegation of authority to take corrective and adverse actions and to place employees on enforced leave is as indicated below. **Please note that approval must be obtained from an at-will employee prior to initiating any of these measures.**

DS-13 and below (or equivalent)

Type of Action	Proposing Official	Deciding Official
Official reprimand; suspension of less than 10 days (other than summary suspension)	First level supervisor	No lower than second level supervisor
Summary suspension; suspension of 10 days or more; reduction in grade; summary removal; or removal	First level supervisor	No lower than third level supervisor
Enforced Leave	First level supervisor	No lower than third level supervisor who serves at-will

Note: DPM Instructions that are strictly procedural in nature have direct applicability only to agencies and employees under the personnel authority of the Mayor. Other personnel authorities or independent agencies may adopt any or all of these procedures or guidance materials for agencies and employees under their respective jurisdictions. [See DPM Chapter 2, Part II, Subpart 1, § 1.3.]

Inquiries: Office of Policy and Performance Management, (202) 442-9644

Retain Until Superseded

DS-14 and Above (or equivalent)

Type of Action	Proposing Official	Deciding Official
All corrective actions and adverse actions; enforced leave	First level supervisor	Agency head or his or her designee (designated in writing)
Enforced leave	First level supervisor	Agency head or his or her designee (designated in writing) who serves at-will

4. Guidelines for the Administrative Review of Proposed Removal Actions and Summary Removals

- a. A hearing officer will provide an employee against whom a removal action is proposed, or who has been summarily removed, an **administrative review** of the record of the removal action.
- b. As specified in paragraph d below, **the administrative review may include an adversary hearing.**
- c. The head of the agency or his or her designee will appoint the hearing officer to conduct the administrative review. If practicable, an "attorney" should be appointed to conduct the administrative review. For the purpose of this instruction, an "attorney" is an individual authorized to practice law in any jurisdiction of the United States.
- d. The hearing officer conducting the administrative review will **request approval for an adversary hearing from the head of the agency or his or her designee** when he or she determines that the written record is inadequate to effectively render a report and written recommendation to the deciding official in the removal action. (A sample memorandum requesting approval for an adversary hearing is provided as Attachment 1 of this instruction.)
- e. If the hearing officer requesting the adversary hearing is not an attorney, the memorandum to the agency head or his or her designee (see Attachment 1) should include a request to appoint an attorney to conduct the hearing and render the report and written recommendation.
- f. If the request for an adversary hearing is approved, and if the hearing officer who requested the hearing is not an "attorney," the agency head or his or her designee must designate an "attorney" as the hearing officer, as required by § 1612.7 of the D.C. personnel regulations.
- g. The agency head or his or her designee should act on the request for an adversary hearing and, if required, designate a new hearing officer, within two workdays of receipt of that request.

5. Hearing Officers

In delegating authority pursuant to this instruction and the Mayor's Order cited above, consider carefully the definition of hearing officer in § 1699 and the criteria in §§ 1612.2 and 1612.7 of the D.C. personnel regulations to ensure you will have a sufficient pool from which to draw when you need a hearing officer.

6. Effective Date

This instruction is effective immediately.



Milou Carolan
Director of Personnel

Attachment: Sample Request for Approval to Conduct an Adversary Hearing

SAMPLE REQUEST FOR APPROVAL FOR AN ADVERSARY HEARING

MEMORANDUM

TO: (Agency Head/Designee)

FROM: (Hearing Officer)

DATE: (Date)

SUBJECT: Request for Approval for an Adversary Hearing—(Proposed Removal/Summary Removal) Action on (Employee's Name)

In conducting the administrative review in the above matter, I have determined that the written record is inadequate to effectively render a written report and recommendation based on the preponderance of the evidence, and that an adversary hearing is needed. The reasons are:

Therefore, I am requesting that you grant approval for an adversary hearing in this matter. Please indicate your approval or disapproval below, and sign and return this form to me within two workdays of your receipt of this request.

☐ I hereby GRANT APPROVAL of the request for an adversary hearing.
Complete ONLY if a new hearing officer is to be appointed (see § 4f of DPM Instruction No. 16-7):

☐ Please transmit the written record of the removal action to _____,
 who is being appointed as the hearing officer.

☐ I hereby DISAPPROVE the request for an adversary hearing.

 Agency Head/Designee

 Date